

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF AUTHORIZATION FOR THE	)	ADMINISTRATIVE ORDER
CLERK OF THE SUPERIOR COURT TO UNSEAL	)	NO. 2011-111
SEALED FILES, DOCUMENTS AND ITEMS	)	
_____	)	

WHEREAS, the custodian of Superior Court records, the Clerk of the Superior Court ("Clerk") is responsible for reasonable records management practices that preserve the confidentiality of certain records while ensuring that the Clerk's Office carries out its assigned duties; and

WHEREAS, certain cases and documents are maintained under seal pursuant to statute or court order; and

WHEREAS, the Clerk and staff designated by the Clerk require access to sealed cases, documents and items to carry out specific and limited, but recurring duties, in the normal course of the Court's business; and

WHEREAS, authorizing specific and limited access to sealed cases, documents and items to carry out these functions improves judicial efficiency while maintaining appropriate oversight of proper access,

IT IS ORDERED that the Clerk of the Superior Court or designee is authorized to access a sealed envelope, file, document or other sealed item without a specific and separate court order for the specific and limited purposes listed below, in accordance with the following requirements and pursuant to procedures developed by the Clerk that will ensure the safekeeping of the court record:

1.     Case File Management

To add documents that have been ordered sealed and filed subsequent to the Court's original order sealing any matter.

2.     Statutory Reporting

To extract the information necessary to prepare a disposition and/or abstract report for the Department of Public Safety, pursuant to A.R.S. §§ 28-1061, 41-1751, and Rule 37 of the Arizona Rules of Criminal Procedure;

To extract the information necessary to notify the Secretary of State of a finding or conviction defined in A.R.S. § 16-165;

To provide the Arizona Department of Corrections a certified copy of the judgment and sentence, signed by the sentencing judge, and a copy of a recent presentence investigation report unless the court has waived preparation of the report, pursuant to A.R.S. § 13-701(B).

3. Exhibits

To determine if a case is inactive and subject to the disposal of exhibits in accordance with Maricopa County Local Rule 2.8 and Rule 28.1 of the Arizona Rules of Criminal Procedure related to the release of exhibits sealed by order of the court and to exhibits marked as court exhibits;

To dispose of sealed exhibits pursuant to Maricopa County Local Rule 2.8 and Rules of Criminal Procedure, Rule 28.1 in the same manner as unsealed exhibits with regard to release to the party introducing the exhibits or the seizing agency. Sealed exhibits subject to disposal shall be disposed of in a manner which ensures that confidentiality is maintained.

4. Appeals

To transmit criminal cases to the Appellate Court. However, pursuant to Rules of Criminal Procedure, Rule 31.8(a)(2)(iii), when marked as an exhibit, the Clerk shall not copy or transmit the excised portion, if any, of a presentence, diagnostic or mental health report unless specifically ordered by the Appellate Court. The Clerk shall place copies of the sealed items in criminal cases in a sealed envelope labeled in the same manner as the original envelope, and transmit to the Appellate Court;

To transmit non-criminal cases to the Appellate Court. Sealed items in non-criminal cases shall routinely be included in the record on appeal unless specifically excluded by written stipulation of the parties to the appeal. Sealed items in non-criminal cases shall be transmitted to the Appellate Court in the original sealed envelope.

5. Financial Obligations

To identify information needed to determine and process court ordered financial obligations;

To process financial support matters in family court cases, including updating current employer information, issuing orders of assignment, performing arrearage calculations, processing ex-parte orders of assignment, updating the eCalc program and processing Affidavits of Service in alternative service procedures tracked by the Clerk.

IT IS FURTHER ORDERED that in all situations, each time the Clerk opens a sealed matter, a notation be made on the envelope or exterior object containing the sealed envelope, file, document or other sealed item, indicating the first initial and last name of the Deputy Clerk who accessed the sealed matter, the date the matter was opened, and the purpose for accessing the sealed matter.

IT IS FURTHER ORDERED that in all situations, each time the Clerk opens a sealed matter, the Clerk shall reseal the envelope or exterior object containing the sealed envelope, file, document or other sealed item and maintain it in the confidential manner originally ordered by the Court.

IT IS FURTHER ORDERED this Administrative Order supersedes all other Administrative Orders issued regarding this matter, vacates Administrative Order No. 2004-098, and replaces Administrative Order No. 2011-035.

IT IS FURTHER ORDERED that this Administrative Order expires automatically without further Order on a date ten (10) years from the date of issuance in accordance with Arizona Code of Judicial Administration, Section 3-402(C), unless sooner modified, amended or replaced.

DATED this 25th day of August, 2011.

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Norman J. Davis  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Marcus Reinkensmeyer, Judicial Branch Administrator  
Phillip Knox, General Jurisdiction Court Administrator  
Hon. Michael K. Jeanes, Clerk of the Superior Court  
Chris Kelly, Chief Deputy Clerk of the Superior Court  
Aaron Nash, Special Counsel to Clerk of the Superior Court